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**Attorney for Defendant**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**

**UNITED STATES OF AMERICA,**

**Case No. 3:15-cr-00438-JO**

**Plaintiff,**

**UNOPPOSED MOTION FOR  
AUTHORIZATION TO TRAVEL**

**vs.**

**WINSTON SHROUT,**

**Defendant.**

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The defendant, Winston ShROUT, through counsel, Ruben L. Iñiguez, moves the Court to enter an Order authorizing him to return to Puerto Vallarta, Mexico, to undergo further spinal surgical procedures not available in the United States before sentencing on



May 17, 2018.<sup>1</sup> Neither the government, through Stuart A. Wexler, United States Trial Attorney, Department of Justice Tax Division, nor the U.S. Pretrial Services Office, through Christina Song, opposes this motion.

### **FACTUAL BACKGROUND**

Mr. Shrout is 69 years old. He has no prior criminal history. He made his first appearance in U.S. District Court in Portland more than 26 months ago. CR 8. He appeared pursuant to a summons on January 7, 2016. *Id.* The Court ordered his release on the condition that he “provide a current address and phone to Pretrial Services.” CR 7. During the hearing, Mr. Shrout advised that he was scheduled to leave the United States on a cruise destined for Mexico for business purposes. CR 67. The government opposed his request to travel to Mexico. The Court ultimately declined to impose any restrictions on his travel, domestic or international, and expressly authorized him to travel to Mexico, as planned. Mr. Shrout traveled to Mexico and timely returned to Oregon without incident.

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<sup>1</sup> Mr. Shrout traveled to Mexico three times while pending trial. Two visits were for medical purposes. He underwent initial spinal surgery in November 2016, and hip replacement surgery in February 2017, approximately two months before trial. He traveled to Mexico with the approval of U.S. Pretrial Services on both occasions, had surgery, remained for a short period of physical rehabilitation, and timely returned to Oregon.



A few months later, in November 2016, Mr. Shrout traveled to Mexico again. It was during this second visit that he underwent an initial regimen of surgical procedures intended to repair six damaged discs in his lower vertebrae. The spinal damage had been limiting his mobility and causing him substantial pain. He remained in Mexico for approximately one month.

In February 2017, approximately two months before his jury trial was scheduled to begin, Mr. Shrout traveled to Mexico a third time. Again, he provided the Pretrial Services Office advance notice of his travel plans.<sup>2</sup> While in Mexico, he underwent hip replacement surgery. Following surgery, he remained in Mexico for approximately three weeks undergoing physical rehabilitation. He then returned to Oregon, as promised, less than two weeks before his trial commenced. He subsequently appeared for each day of his four-day trial on April 18, 19, 20, and 21. CR 102-105.<sup>3</sup>

On April 21, 2017, the jury returned guilty verdicts on Counts 1-19 of the Superseding Indictment. CR 105. Following Mr. Shrout's conviction, the Court

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<sup>2</sup> While he was on pretrial release, the Court did not require Mr. Shrout to obtain prior judicial authorization to travel outside Oregon. Nevertheless, his Pretrial Services Officer, Chris Song, confirms that he informed her about his travel plans in advance.

<sup>3</sup> In addition to his three trips to Mexico, Mr. Shrout traveled on more than one occasion to other states (*i.e.*, Nevada and Utah) to visit his wife and family while he was pending trial. As always, after visiting with them, he returned to Oregon without incident, as promised.



scheduled sentencing and entered an Order Modifying Conditions of Pretrial Release.

CR 106. The Court directed as follows:

Travel is limited to Oregon *unless prior approval is obtained from the Court*. Surrender any passport or international travel documents to Pretrial Services or submit a statement to Pretrial Services that the defendant does not possess a passport or international travel documents. The defendant is not to apply for a new passport or international travel documents.

*Id.* (emphasis added). Later that same day, Mr. Shrout surrendered his passport to Pretrial Services, as directed. He has not applied for a new passport or any other international travel documents.

On June 5, 2017, the Court granted Mr. Shrout's first unopposed motion requesting judicial authorization to travel to Nevada and Utah for the purpose of visiting his wife, children, and newest grandchild. CR 114 & 115. On June 8, prior to his departure, he voluntarily participated in a presentence interview with the Probation Office in Portland. Approximately one month later, after having visited his family in Nevada and Utah, Mr. Shrout returned to Oregon without incident.

Two months later, on August 17, the Court granted Mr. Shrout's second unopposed motion requesting judicial authorization to return to Utah to assist his wife before, during, and after her own hip replacement surgery. CR 118 & 120. In September, following his wife's surgery in St. George, Utah, Mr. Shrout underwent surgery to repair



a hernia. He remained in Utah for approximately one month before returning to Oregon without incident.

On December 8, 2017, the Probation Office submitted a draft presentence investigation report (“PSR”) to both parties. The parties subsequently submitted their respective objections and/or clarifications to draft PSR. The final PSR has yet to be produced. A sentencing hearing is now scheduled for May 17, 2018. CR 126.

### **UNOPPOSED MOTION**

Mr. Shrout asks the Court to approve his unopposed request to travel from Oregon to Puerto Vallarta, Mexico, before sentencing on May 17, 2018. The purpose of the trip is to undergo a second round of surgery to complete the repair of his lower spine. The medical procedure consists of the direct injection of juvenile stem cells into each of the six damaged discs in his vertebrae. The operation, which is unavailable in the United States, but commonplace in Mexico, must be performed at a hospital using specialized equipment to ensure there is no injury to the spinal column. Medical personnel in Mexico require advance notice to prepare for the procedure as the stem cells must be harvested from umbilical cord material from recent births, as they become available. A short recovery period following the surgery will also be required.



Mr. Shrout intends to remain in Mexico for approximately one month so that he may undergo and recover from the spinal surgery. He will return to Oregon before his sentencing hearing on May 17.<sup>4</sup>

### CONCLUSION

For each of the foregoing reasons, Mr. Shrout respectfully requests that the Court grant his unopposed motion and approve his request for authorization to travel to Mexico so that he may undergo spinal surgery before sentencing on May 17, 2018.

RESPECTFULLY SUBMITTED this 7th day of March, 2018.

/s/ Ruben L. Iñiguez

Ruben L. Iñiguez

Assistant Federal Public Defender

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<sup>4</sup> If permitted to return to Mexico, Mr. Shrout intends to fly from Portland to Puerto Vallarta with his partner, Patricia Bekken. He will provide his Pretrial Services officer with the names, addresses, and phone numbers for his surgeon and medical facility in Mexico before he departs. Although he will require his passport to travel to and from Mexico, he agrees to return it to Pretrial Services no later than three days after his return.